

Serial No. 08/936,304

Amdt. in Resp. to Off. Act. mailed Mar. 23, 2005

UTILITY PATENT

B&D No. TN2213A

REMARKS

Claims 6, 11 and 13 have been amended. Accordingly, Claims 6-14 are pending in the present application.

The Examiner has rejected Claims 6, 10-12 and 14 under 35 USC § 102(b) as being anticipated by US Patent No. 5,400,514 ("Imbrie"). In addition, the Examiner rejected Claim 13 under 35 USC § 103(a) as being unpatentable over Imbrie. Reconsideration and withdrawal of these rejections are respectfully requested.

First of all, Imbrie cannot be used as a § 102(b) reference because it was published less than one year from the earliest filing date of the present application. The present application is a continuation of US Patent No. 5,754,582, which in turn is a continuation of US Serial No. 503,987 (filed July 19, 1995), which is in turn a continuation-in-part of US Serial No. 415,960 (filed April 3, 1995). Accordingly, the earliest filing date is April 3, 1995, which is less than a month from Imbrie's publication. Therefore, Imbrie cannot be used as a § 102(b) reference.

Even if Imbrie could be used as a § 102 reference, it still would not anticipate or render unpatentable the present claims. This is because Imbrie does not disclose all elements claimed in independent Claims 6, 11 and 13.

In particular, Claims 6, 11 and 13 all require "a battery at least partly disposed within the case, the battery being electrically connected to the first laser diode." Imbrie instead discloses the battery disposed within the module housing. Accordingly, Imbrie cannot render unpatentable Claims 6, 11 and 13 and their corresponding dependent claims.

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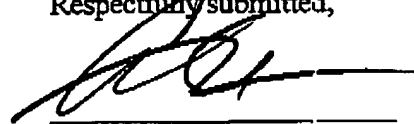
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In view of the foregoing, Claims 6-14 are patentable and the application is believed to be in condition for formal allowance.

No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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